



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONAL ADMINISTRATOR
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

Michael Wiggins Jr., Chairman
Bad River Band of Lake Superior Tribe of Chippewa Indians
P.O. Box 39
Odanah, Wisconsin 54861

Dear Chairman Wiggins:

Enclosed, please find a draft Compliance Plan to resolve Clean Water Act (CWA) violations at the Bad River Waste Water Treatment Plant (WWTP), the Diaperville Stabilization Lagoon, and the Birch Hill Stabilization Lagoon. The draft Compliance Plan identifies CWA violations and outlines a timetable for specific actions required to resolve these violations.

Please review the enclosed draft and provide any comments to EPA by August 9, 2013 so that we can consider your input prior to finalizing the Compliance Plan. EPA looks forward to working with you to ensure that the WWTP and stabilization lagoon facilities are operated and maintained in accordance with CWA requirements.

If you or your staff have questions concerning any requirements in the draft Compliance Plan, please contact Dean Maraldo at (312) 353-2098. Legal inquiries should be directed to Barbara Wester, Associate Regional Counsel, at (312) 353-8514.

Sincerely,

A handwritten signature in black ink, appearing to read "SH", written over a horizontal line.

Susan Hedman
Regional Administrator

Enclosures

1. Draft Compliance Plan
2. Violation summary

cc: Pat Hunt, Operations Manager, Bad River Utilities
Craig Morin, IHS Bemidji Area Office
Ervin Soulier, Natural Resources Director, Bad River Band

DRAFT COMPLIANCE PLAN
Bad River Wastewater Treatment Facilities
(Bad River WWTP, Diaperville Stabilization Lagoon, Birch Hill Stabilization Lagoon)

Information:

Facility Names: Bad River WWTP, Diaperville Stabilization Lagoon, Birch Hill Stabilization Lagoon

Location: Bad River Indian Reservation

Owner/Operator: Bad River Band of the Lake Superior Tribe of Chippewa Indians

Facility Contact: Pat Hunt, Operations Manager

Permit #: WI-0036587, WI-0036544, WI-0036579

Introduction:

The objective of the Compliance Plan (CP) is to return the Bad River wastewater treatment facilities to compliance with current and future National Pollutant Discharge Elimination System (NPDES) permits and to assure that the conditions of the NPDES permits are met.

This CP describes violations at the facilities and the actions required to return to compliance. These actions are outlined in the "Actions to be Taken" section. Continuing to operate in non-compliance may result in the filing of a formal enforcement action, including the issuance of an Administrative Order, with appropriate additional enforcement consequences if violations continue.

Violations:

Violations include failure to meet permit reporting requirements at the Bad River WWTP, Diaperville Stabilization Lagoon, and Birch Hill Stabilization Lagoon; and failure to comply with the permit effluent limits for the following parameters:

- Phosphorus, total [Bad River WWTP]
- E. coli [Bad River WWTP; Birch Hill]
- Solids, total suspended [Bad River WWTP; Birch Hill]
- BOD, 5-day, 20 deg. C [Bad River WWTP]
- BOD, 5-day, 20 deg. C percent removal [Bad River WWTP]
- Solids, total suspended percent removal [Bad River WWTP]

Actions to be Taken:

The following actions outline the steps necessary to bring the Bad River WWTP (WI-0036587), Diaperville Stabilization Lagoon (WI-0036544), and the Birch Hill Stabilization Lagoon (WI-0036579) into compliance:

Date	Milestone	Documentation or Report Required
August 12, 2013	Tribe to hire a Certified Operator or contract to obtain Certified Operator support. The Operator must have the knowledge, skills and experience required to operate the Bad River WWTP and the Stabilization Lagoons. If the certification requirements are satisfied by entering into a contractual agreement with a properly certified operator, a copy of the contract shall be submitted to EPA.	Provide status update(s) as needed in CP Progress Reports. Progress Reports are due August 30, 2013, and November 29, 2013.
August 12, 2013	Tribe to submit a schedule identifying necessary equipment installation, mechanical repairs, and program upgrades required to return the Bad River WWTP and the Stabilization Lagoons to compliance, with anticipated dates for completing each action (Schedule of Repairs and Upgrades).	Schedule of Repairs and Upgrades due August 12, 2013.
August 30, 2013	Tribe to submit plan and schedule to address inflow and infiltration issues (Inflow/Infiltration Repair Schedule) at the Bad River WWTP.	Plan due August 30, 2013.
November 29, 2013	Tribe to complete equipment installation, mechanical repairs, and program upgrades required to return the Bad River WWTP and the Stabilization Lagoons to compliance with NPDES permit effluent limits.	Include updates in CP Progress Reports due August 30, 2013, and November 29, 2013.
December 31, 2013	Tribe to be in compliance with NPDES permit effluent limits and	Include compliance status in CP Progress Reports due

Date	Milestone	Documentation or Report Required
	reporting requirements for the Bad River WWTP, Diaperville Stabilization Lagoon, and the Birch Hill Stabilization Lagoon.	August 30, 2013, and November 29, 2013. Submit Final Compliance Status Report, due January 31, 2014.

Compliance Plan Implementation:

EPA intends to work with the Tribe to implement this Compliance Plan. EPA will review each Progress Report, and may schedule conference calls or visits to discuss ongoing progress. Continuing non-compliance may subject the Tribe to a formal enforcement action.

Submittals:

Documentation, updates, reports, and plans required under this CP shall be sent to EPA by both registered mail and electronic mail to the following addresses:

Chief, Water Enforcement and Compliance Assurance Branch
Water Division
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Blvd. (WC-15J)
Chicago, IL 60604
ATTN: Dean Maraldo
Email: maraldo.dean@epa.gov

Office of the Regional Counsel
U.S. Environmental Protection Agency, Region 5
Mail Code C-14J
77 W. Jackson Blvd.
Chicago, IL 60604
ATTN: Barbara L. Wester, Associate Regional Counsel
Email: wester.barbara@epa.gov

